

City Attorney [010-1500]

Appropriations Summary

	04/05 Actuals	05/06 Actuals	06/07 Current Budget	06/07 Estimated Year-End	07/08 Proposed Budget
Salaries	310,486	168,649	301,770	291,555	295,450
Supplies & Services	736,801	602,850	402,820	296,533	265,273
Capital Outlay	-	-	-	-	-
Debt Services	-	-	-	-	-
Internal Service	14,324	13,769	13,414	13,414	16,468
Transfers Out	-	-	-	-	-
Project Expenditure	-	-	-	-	-
TOTAL BY CATEGORY	1,061,611	785,267	718,004	601,502	577,191

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ACTIVITY DESCRIPTION

The City Attorney, directly appointed by the City Council, is responsible for administration of all legal affairs of the City. The City Attorney represents the City in litigation, administrative hearings, and other legal matters; prepares or reviews all ordinances, contracts and other legal documents; renders legal advice and opinions to the City Council, Redevelopment Agency, City and Agency Boards and Commissions, and City staff; and oversees all work done by outside counsel on behalf of the City.

FY 2006/07 HIGHLIGHTS

Litigation/Claims Activity

The following cases were resolved:

- Wells Construction Group, Inc., fka Stevelle Construction v. City of Morgan Hill [and nine associated consolidated actions involving the construction of the MHPD facility]
- City of Morgan Hill v. Hemming
- Rossi v. City of Morgan Hill

Favorable decisions were rendered at trial court level in two cases (although appeal has been taken by plaintiff and is yet to be heard):

- Tichinin v. City of Morgan Hill
- Berkman v. City of Morgan Hill
- Continuing efforts resulted in Olin Corporation being identified as a potentially responsible party for perchlorate contamination of City's underground aquifer
- Obtained reimbursement of over \$200,000 in litigation expenses from ABAG which had been previously denied

Transactional Matters

- Assisted with adoption of Redevelopment Agency (RDA) plan amendment
- Trained staff and board and commission members pursuant to AB1234 [required ethics training]
- Assisted with adoption of Social Host and Dangerous Dog Ordinances and the Medical Marijuana Moratorium
- Assisted with negotiating and drafting of the California Youth Soccer Association (CYSA) lease
- Assisted with negotiating and drafting documents to establish the Morgan Hill Off-leash Dog Park
- Assisted with negotiating and drafting various housing, loan and commercial development agreements, such as South County Housing projects, and agreements with Gunter Brothers and 247 Workspace
- Assisted with the adoption of Measure F

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FY 2007/08 ACTIVITY GOALS

Litigation/Claims Resolution

- Continue to vigorously defend the City in outstanding lawsuits and appeals
- Continue to work closely with City Staff to resolve disputes quickly and equitably to avoid costly litigation

Transactional Matters

- Assist with updating and implementing Downtown Plan and Parking Resources Management Plan
- Assist with revising and implementing the RDA 2005-2009 Five Year Implementation Plan

FY 2007/08 WORKPLAN

- Assist with revising City's risk management policies, including revising internal forms/documents and staff training
- Review and revise City's policies regarding service of legal documents, including requests pursuant to the California Public Records Act
- Assist the City Clerk with review and revision of City's record retention policies, with particular emphasis on electronic storage of data (e-mails)

FINANCIAL COMMENTS

\$26,000 of the City Attorney's salary will be paid directly by Redevelopment Agency funds. The remainder of the City Attorney costs is allocated to City departments based upon a cost allocation plan.

A total of \$536,000 is budgeted for Special Counsel services in FY 2006/07. Those expenditures are reflected in the following budgets: City Attorney's Office - \$330,000; Human Resources - \$5,000; Mobile Home Rent Commission - \$1,000; Redevelopment Agency - \$100,000; and Water Operations - \$100,000.

A total of \$446,000 is budgeted for Special Counsel services in FY 2007/08. Those expenditures are reflected as follows: City Attorney's Office - \$240,000; Redevelopment Agency - \$85,000; Mobile Home Rent Commission - \$1,000 Water Operations - \$100,000; and Public Works - \$20,000.

PERFORMANCE MEASURES

Measure		FY 04/05	FY 05/06	Estimated FY 06/07	FY 07/08
Standard contracts reviewed within 10 days	Goal				100.0%
	Projected or Actual				
Hours of Minimum Continuing Legal Education (MCLE)	Goal				15.0
	Projected or Actual				

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		04/05	05/06	06/07	06/07	07/08
		Actuals	Actuals	Current Budget	Estimated Year-End	Proposed Budget
41100	SALARIES - GENERAL	224,270	114,363	207,324	202,689	207,420
41270	SALARIES - PART-TIME	54	-	-	-	-
41320	SALARIES - OTHER PAYOUT	5,776	703	-	1,854	-
41490	OVERTIME - GENERAL	5,237	1,623	-	-	-
41560	UNEMPLOYMENT INSURANCE	266	550	440	457	-
41620	RETIREMENT - GENERAL	31,035	23,537	46,115	42,169	43,689
41690	DEFERRED COMPENSATION	10,721	4,812	11,032	7,499	11,731
41700	GROUP INSURANCE	16,691	15,495	20,203	19,429	18,017
41701	MEDICARE	3,533	1,697	3,006	2,966	3,086
41730	INCOME PROTECTION INS	2,369	1,387	2,388	2,642	2,398
41760	WORKERS COMP	6,395	2,392	6,510	6,364	3,671
41799	BENEFITS	4,141	2,090	4,752	5,486	5,438
	Salaries Total	310,486	168,649	301,770	291,555	295,450
42214	TELEPHONE	1,848	2,001	2,100	2,100	2,100
42230	SPECIAL COUNSEL	710,529	552,880	380,977	275,482	240,000
42231	CONTRACT SERVICES	12,640	29,449	6,430	6,430	6,500
42232	LITIGATION EXPENSES	-	195	440	445	600
42244	STATIONERY & OFFICE SUPPLIE	752	839	805	805	805
42245	COMPUTER HARDWARE-NON C/	-	800	-	-	1,000
42248	OTHER SUPPLIES	-	7,795	175	175	175
42250	ADVERTISING	-	-	-	-	-
42252	PHOTOCOPYING	331	118	600	600	600
42254	POSTAGE & FREIGHT	885	534	550	550	550
42257	PRINTING	131	185	150	195	150
42261	AUTO MILEAGE	-	-	50	-	50
42299	OTHER EXPENSE	1,704	90	100	-	100
42301	REIMBURSEMENTS	-	-	-	-	-
42408	TRAINING & EDUCATION	-	-	1,000	-	1,000
42415	CONFERENCE & MEETINGS	1,361	495	4,000	2,719	4,000
42423	MEMBERSHIP & DUES	1,140	-	800	1,289	1,500
42435	SUBSCRIPTION & PUBLICATIONS	5,479	7,470	4,500	5,600	6,000
42531	MAINT - FURNITURE/OFFICE EQI	-	-	143	143	143
	Supplies Total	736,801	602,850	402,820	296,533	265,273
43835	FURNITURE/OFFICE EQUIPMENT	-	-	-	-	-
	Capital Total	-	-	-	-	-
45003	GENERAL LIABILITY INSURANCE	760	804	663	663	637
45004	BUILDING MAINT - CURRENT SEI	10,170	9,519	8,098	8,098	10,237
45005	BUILDING MAINT - FUTURE REPI	-	-	1,657	1,657	944
45009	INFO SYSTEM SERVICES	3,393	3,446	2,996	2,996	4,650
	ISF Total	14,324	13,769	13,414	13,414	16,468
	City Attorney Total	1,061,611	785,267	718,004	601,502	577,191